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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FAUSTO PINA,  
  
Defendant.

CASE NO. 1:21-CR-00070-ADA-BAM

STIPULATION TO VACATE STATUS  
CONFERENCE DATE, SET THE MATTER FOR  
TRIAL, AND EXCLUDE TIME PERIODS UNDER  
THE SPEEDY TRIAL ACT; ORDER

DATE: January 25, 2023  
TIME: 1:00pm  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on January 25, 2023.
2. The parties hereby request that the Court vacate the current status conference date, set this matter for trial on October 3, 2023, and exclude time between January 25, 2023, and October 3, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. The parties further request a trial confirmation date be set for September 12, 2023.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government represents that the discovery associated with this case has been provided. The government is aware of its ongoing discovery obligations.
  - b) The parties are in ongoing plea discussions.

c) Counsel for defendant desires additional time to confer with her client about a possible resolution, to review discovery, and to otherwise prepare for trial.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 25, 2023, to October 3, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 18, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ JESSICA A. MASSEY  
JESSICA A. MASSEY  
Assistant United States Attorney

Dated: January 18, 2023

/s/ MEGHAN MCLOUGHLIN  
MEGHAN MCLOUGHLIN  
Counsel for Defendant  
FAUSTO PINA

**FINDINGS AND ORDER**

The status conference date currently scheduled for January 25, 2023, is vacated. The matter is hereby scheduled for trial on **October 3, 2023, at 8:30 a.m. before District Judge Ana de Alba**, with a trial confirmation date set for **September 11, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Estimated time of trial is **3 days**.

Time shall be excluded from January 25, 2023, through October 3, 2023, pursuant to 18 United States Code Section 3161(h)(7)(A), B(iv), to allow the parties to sufficiently prepare for trial and continue their plea discussions. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: **January 18, 2023**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE